

Affidavit

Lewis E. Byrd, III  
oshkosh correctional institution  
P.O. Box 3310 / 1730 west snell Rd.  
oshkosh, WI. 54903 -3310

United States District Court  
western district of Wisconsin

Lewis E. Byrd, III,

Plaintiff

v.

Case No. 17-cv-191-jdp.

Brandon Arnez,

Defendant.

Affidavit of Lewis E. Byrd, III.

State of Wisconsin

County of Winnebago

1) My name is Lewis E. Byrd, I am over 18 yrs of age. I reside at oshkosh Correctional Institution, 1730 wes snell Rd. P.O. Box 3310 oshkosh, WI. 54903. I am fully competent to make the affidavit and have personal knowledge of the facts stated in this affidavit. To my knowledge, all of the facts stated in this affidavit are true and correct.

2) I am the plaintiff in this matter, I make this affidavit in support of the motion for discovery (attached) in this matter.

3) On Dec. 4, 2017 the court sitting on this matter scheduled a Briefing Deadline for my response to defendant's motion for summary judgment in above

referenced case. The discovery requested in the attached motion is necessary for a proper consideration and reply to the motion for summary judgment.

4) I hereby attest to the following facts:

- A) I was the driver of a Red 2013 Lexus involved in the underline incident.
- B) I did NOT back my vehicle into a law enforcement vehicle as alleged.
- C) I was not the vehicle first pursued for a high speed chase in this matter.
- D) I do NOT possess any of the items requested in the attached motion for discovery.
- E) I did NOT behave at any time in a manner justifying the use of excessive or deadly force.
- F) These items are necessary to properly consider and reply to the facts alleged in the motion for summary judgment.

I signed this affidavit on Dec. 4, 2017 at Oshkosh Correctional Institution in Wisconsin.

Lewis E. Byrd

Affiant / Lewis E. Byrd, III